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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,161	11/26/2003	In-Gon Park	678-1297 (P11066)	9243

28249 7590 03/27/2006

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EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,161

Applicant(s)

PARK ET AL.

Examiner

Eliseo Ramos-Feliciano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on November 27, 2002. It is noted, however, that applicant has not filed a certified copy of the 74514/2002 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

2. Previous rejection under 35 U.S.C. 112, second paragraph, is withdrawn in view of Applicant's amendment filed January 3, 2006.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieu et al. (US Patent Number 6,628,508) in view of Hong (US Patent Application Publication Number 2004/0209641-A1).

Regarding **claim 1**, Lieu et al. discloses a portable communication apparatus (Figure 5), comprising:

- a) a main housing (100) having an upper surface provided with a first speaker device (110 – Figure 1 / 234 – Figures 2, 4-5);
- b) a hinge axis (1 – Figure 4) extending across the main housing (Figure 5);

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c) a fixed housing (338) affixed to a first peripheral portion (550) of the main housing and having an upper surface, the first peripheral portion being located at one side of the hinge axis; and

d) a rotational housing (340) rotatable about the hinge axis, the rotational housing being in contact with the fixed housing while surrounding the first peripheral portion of the main housing when the rotational housing is closed on the fixed housing, the rotational housing being most distant from the fixed housing while surrounding a second peripheral portion (550) of the main housing when the rotational housing is completely opened from the fixed housing, the rotational housing having a lower surface. See Figures 5-6D and columns 5-7.

However, Lieu et al. fails to specifically disclose second and third speaker devices provided on respective upper and lower surfaces as claimed.

In the same field of endeavor, Hong discloses a portable communication apparatus (Figures 3-4) having second (64) and third (72) speaker devices provided on respective upper (60) and lower (70) surfaces for the advantage of providing real stereo sound for services such as games and multimedia (paragraphs 0002, 0006, 0027).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Lieu et al.'s portable communication apparatus with second and third speaker devices provided on respective upper and lower surfaces as claimed for the advantage of providing real stereo sound for services such as games and multimedia.

Regarding **claim 2**, Lieu et al. and Hong disclose everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the main housing has a display (228) and a plurality of first keys (548 / 550), and has a lateral surface provided with at least one second

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key (252 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*.

Regarding **claim 3**, Lieu et al. and Hong disclose everything claimed as applied above (see *claim 2*). In addition, Lieu et al. discloses wherein the fixed housing has at least one third key (548 / 550 – Figure 5; 252 / 236 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 6, lines 34-51; column 7, lines 7-13, *inter alia*.

Regarding **claim 4**, Lieu et al. and Hong disclose everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the rotational housing has an upper surface provided with at least one fourth key (548 / 550), and has a lower surface provided with at least one fifth key (252 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*. See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*. Lieu et al. teaches the device can be, for example, a cellular telephone (column 1, lines 37-38). Also that the display can output images or video (column 3, lines 38-39). Consequently, Lieu et al. suggests a camera-enabled cellular telephone as is well known in the art. Hong is evidence of the fact since Hong discloses wherein the upper surface is provided with camera lens (62 – Figure 2; paragraph 0025 and claim 5 of Hong). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Lieu et al. and Hong's cellular telephone with camera lens for the advantage of taking pictures.

Regarding **claim 5**, Lieu et al. and Hong disclose everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the fixed housing comprises a fixed body and a pair of legs extending from at least two corners of the fixed body in one direction (the legs meet at hinge axis 1 – Figure 4; see the Figures cited above).

Regarding **claim 6**, Lieu et al. and Hong disclose everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the rotational housing comprises:

a rotational body (Figures 5-6D);

a pair of legs extending from at least two corners of the rotational body in one direction, the pair of legs having an opening formed between them so as to accommodate the main housing, each of the legs having a curved portion (the legs meet at hinge axis 1 – Figure 4; see the Figures cited above); and

a curved portion formed in the pair of legs, wherein a lower surface of the fixed housing is formed on a same line as a lower surface of the rotational housing (the legs meet at hinge axis 1; the curved portion is depicted e.g. in Figure 4; see the Figures cited above).

Regarding **claim 7**, Lieu et al. and Hong disclose everything claimed as applied above (see *claim 2*). In addition, Lieu et al. discloses wherein the display is constructed as one unit for representing and inputting information (See Figure 5; column 5, lines 7-49).

Regarding **claim 8**, Lieu et al. and Hong disclose everything claimed as applied above (see *claim 2*). In addition, Lieu et al. discloses wherein the display has a center through which the hinge axis (1 – Figure 4) passes (see the Figures cited above; also columns 5-7).

5. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieu et al. (US Patent Number 6,628,508) in view of Akai et al. (US Patent Application Publication Number 2004/0204194-A1).

Regarding **claim 1**, Lieu et al. discloses a portable communication apparatus (Figure 5), comprising:

- a) a main housing (100) having an upper surface provided with a first speaker device (110 – Figure 1 / 234 – Figures 2, 4-5);
- b) a hinge axis (1 – Figure 4) extending across the main housing (Figure 5);
- c) a fixed housing (338) affixed to a first peripheral portion (550) of the main housing and having an upper surface, the first peripheral portion being located at one side of the hinge axis; and
- d) a rotational housing (340) rotatable about the hinge axis, the rotational housing being in contact with the fixed housing while surrounding the first peripheral portion of the main housing when the rotational housing is closed on the fixed housing, the rotational housing being most distant from the fixed housing while surrounding a second peripheral portion (550) of the main housing when the rotational housing is completely opened from the fixed housing, the rotational housing having a lower surface. See Figures 5-6D and columns 5-7.

However, Lieu et al. fails to specifically disclose second and third speaker devices provided on respective upper and lower surfaces as claimed.

In the same field of endeavor, Akai et al. discloses a portable communication apparatus (Figures 9) having second (left “speaker”) and third (right “speaker”) speaker devices (Figures 9(8)-9(9)) provided on respective upper (left) and lower (right) surfaces for the advantage of providing real stereo sound for services such as games and multimedia (MP3, TV, movies, *inter alia*) (paragraphs 0003-0005).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Lieu et al.’s portable communication apparatus with second and third speaker devices provided on respective upper and lower surfaces as claimed for the advantage of providing real stereo sound for services such as games and multimedia.

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Regarding **claim 2**, Lieu et al. and Akai et al. disclose everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the main housing has a display (228) and a plurality of first keys (548 / 550), and has a lateral surface provided with at least one second key (252 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*.

Regarding **claim 3**, Lieu et al. and Akai et al. disclose everything claimed as applied above (see *claim 2*). In addition, Lieu et al. discloses wherein the fixed housing has at least one third key (548 / 550 – Figure 5; 252 / 236 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 6, lines 34-51; column 7, lines 7-13, *inter alia*.

Regarding **claim 4**, Lieu et al. and Akai et al. disclose everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the rotational housing has an upper surface provided with at least one fourth key (548 / 550), and has a lower surface provided with at least one fifth key (252 – Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*. See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, *inter alia*. Lieu et al. teaches the device can be, for example, a cellular telephone (column 1, lines 37-38). Also that the display can output images or video (column 3, lines 38-39). Consequently, Lieu et al. suggests a camera-enabled cellular telephone as is well known in the art. Akai et al. is evidence of the fact since Akai et al. discloses wherein the upper surface is provided with camera lens (111 – Figures 1(1)-1(2); paragraphs 0026, 0030, 0037, 0062, 0069, 0088 of Akai et al.). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Lieu et al. and Akai et al.'s cellular telephone with camera lens for the advantage of taking pictures.

Regarding **claim 5**, Lieu et al. and Akai et al. disclose everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the fixed housing comprises a fixed body and a pair of legs extending from at least two corners of the fixed body in one direction (the legs meet at hinge axis 1 – Figure 4; see the Figures cited above).

Regarding **claim 6**, Lieu et al. and Akai et al. disclose everything claimed as applied above (see *claim 1*). In addition, Lieu et al. discloses wherein the rotational housing comprises:

a rotational body (Figures 5-6D);

a pair of legs extending from at least two corners of the rotational body in one direction, the pair of legs having an opening formed between them so as to accommodate the main housing, each of the legs having a curved portion (the legs meet at hinge axis 1 – Figure 4; see the Figures cited above); and

a curved portion formed in the pair of legs, wherein a lower surface of the fixed housing is formed on a same line as a lower surface of the rotational housing (the legs meet at hinge axis 1; the curved portion is depicted e.g. in Figure 4; see the Figures cited above).

Regarding **claim 7**, Lieu et al. and Akai et al. disclose everything claimed as applied above (see *claim 2*). In addition, Lieu et al. discloses wherein the display is constructed as one unit for representing and inputting information (See Figure 5; column 5, lines 7-49).

Regarding **claim 8**, Lieu et al. and Akai et al. disclose everything claimed as applied above (see *claim 2*). In addition, Lieu et al. discloses wherein the display has a center through which the hinge axis (1 – Figure 4) passes (see the Figures cited above; also columns 5-7).

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER

ERF/erf
March 17, 2006